

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREE SPEECH COALITION, INC. et al.,)	
)	Civil Action No. 2:09-4607
)	
Plaintiffs,)	Judge Michael M. Baylson
)	
v.)	
)	DEFENDANT’S THIRD SET OF
JEFFERSON B. SESSIONS, III,)	REQUESTS FOR PRODUCTION
Attorney General,)	
)	
Defendant.)	

INSTRUCTIONS

Pursuant to Fed. R. Civ. P. 34, each plaintiff is hereby requested to produce, separately from other plaintiffs (except to the extent a Request asks for documents not specific to plaintiffs or their members), the documents or electronically stored information set forth below, and to provide the requested material -- in html format for website content, in Windows Media Player (.wmv) format for film or video content, in original resolution Jpeg (.jpg) format for still images, or in searchable pdf format for other material -- by the applicable deadline to defendant’s undersigned counsel by delivery to 20 Massachusetts Ave., N.W., Room 7124, Washington, D.C. 20530. Unless a specific request provides otherwise, please respond to the requests with respect to visual depictions of sexually-explicit conduct produced during the past five years.

For organizational plaintiffs Free Speech Coalition and American Society of Media Photographers, please respond to these requests separately on behalf of each of your members that produces visual depictions subject to the Statutes’ requirements, and identify each member to whom the response pertains.

DEFINITIONS

The term “the Statutes” when used below refers to 18 U.S.C. §§ 2257 and 2257A, except as they have been held unconstitutional by the Judgment of January 6, 2017. The term “implementing regulations” refers to the regulations promulgated at 28 C.F.R. §§ 75.1 -.4, .6 -.9. The term “Judgment of January 6, 2017” refers to the Court’s Judgment, ECF No. 242, declaring 18 U.S.C. §§ 2257(f)(5) and 2257A(f)(5), those portions of §§ 2257(c) and 2257A(c) that require recordkeepers to “make such records available to the Attorney General for inspection at all reasonable times,” and 28 C.F.R. § 75.5 facially invalid.

REQUESTS

REQUEST NO. 13: A blank copy of any form identified in response to Interrogatory No. 25.

REQUEST NO. 14: All documents that relate to any expenses or savings identified in response to Interrogatories Nos. 25(e), 25(k), 26(c), 26(d), 27(c), 28(d), 28(h), 28(i), 28(k), and 30(d).

REQUEST NO. 15: If you use a third-party custodian in connection with your compliance with the Statutes, the most recent documents that identify and set forth the basis for the fee charged by the third-party custodian.

REQUEST NO. 16: If you are a member of Free Speech Coalition or American Society of Media Photographers, all documents that relate to or describe your obligations, if any, as a member of that organization, the source of those obligations, how that organization monitors your compliance with those obligations, and the penalty that you would suffer if you did not meet those obligations.

October ?, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
LOUIS D. LAPPEN
Acting United States Attorney
JOHN R. TYLER
Assistant Director, Federal Programs Branch

/s/ Kathryn L. Wyer
NATHAN M. SWINTON
KATHRYN L. WYER
U.S. Department of Justice, Civil Division
20 Massachusetts Avenue, N.W.
Washington, DC 20530
Tel. (202) 616-8475 / Fax (202) 616-8470
kathryn.wyer@usdoj.gov
Attorneys for Defendant